

1906-039 Chancery Causes: A. J. Powell vs. Betty Powell
Lee Co.

Gilbert, Oaks, Shuffelbarger, Burgan, Kinser

CA-Divorce

T-Vices

Migration

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee
County,Virginia:

Humbly complaining your orator,A.J.Powell,would respectfully show unto the court that he is now and has been a citizen of this county and state for more than one year next preceding the institution of this suit;that on the ____ day of _____ 190____,he was married to one Betty Gilbert now Betty Powell;that they lived hapily together as man and wife until some time about the first of August 1906, when he became convinced that his said wife was untrue to him,and he here alleges and charges that his said wife,without his connivance or consent,committed adultery with one John Oaks,and others whose names is now not known to your orator,at Ocoonita, Lee County Virginia,on the ____ day of July,1906,and at various times since at that and other places in said county,and in Harlan County,Ky; that your orator has not condoned said offence or adultery,and that he has not since he learned of said adultery cohabited with his said wife.

Being remediless,therefore,save in a court of equity,his prayer is that the said Betty Powell be made party defendant to this bill,and that she be required to answer the same,but not on oath,~~the~~ that being waived,that proper process issue,and order of publication be made,said defendant now not being a resident of this state,that upon a final hearing a decree be entered dissolving the bonds of matrimony now existing between your orator and the said Betty Powell,and that such other and further relief be granted your orator as in the premises be right and just,and he will ever pray etc.

J. B. Noel P. 9

Costs:

Clerk \$5.51
Tax 1.50
atty 15.00
Printer 5.80
Comer 3.00
\$30.81
Shff. .80
\$31.61

A. J. Powell
vs { Bill in Chanc.

Betty Powell.

Filed Aug. 15, 1906.

H. C. Faring,
Clerk.

1906. 2nd Aug Rules
Bill filed, Sp
not executed &
Contd. for O.P.
" 1st Sept Rules
Contd. for O.P.
" 2nd Sept Rules
" O.P. completed &
cause set for
hearing.

1900 to 10

A. J. Powell }
vs } in chancery.
Betty Powell }

This cause came on this day to be finally heard upon the plaintiff's bill and the depositions of witnesses the defendant having neither appeared to answer or demur, though she has been duly summoned by order of publication properly matured, it is therefore adjudged ordered and decreed that the bonds of matrimony heretofore contracted between the plaintiff and the defendant, be and the same is hereby dissolved and annulled, and that the plaintiff recover his costs. And this cause is stricken from the docket.

A. J. Powell
as } for attorney
Betty Powell
Debra Fernald.

Entered in C.A.B.
#8, page 230.

Enter this decree
This Dec. 10, 1906.
J. A. Wilson
Judge.

The depositions of J. B. Shuffelbarger
J. M. Oaks, Milton Burman & Andrew Parnell.

taken at the law office of James W. Orr
in the town of Jamesville Va, on the 17th day of September, 1906, to be read as
evidence on behalf of Andrew Parnell
in a certain suit in chancery pending
in the Circuit Court of Lee County Va,
in which he is plaintiff and Bettie Parnell
is defendant.

Present. J. C. Neil, atty for Plaintiff

Q. What is your age, residence and occupation?
Ans. 36, Occanita, Defeat agent.

Q. Are you acquainted with the parties
to this suit.

Ans. I am, for a year, they lived at Occanita a part of that time.

Q. 3. Do you know of any acts of adultery
or improper conduct upon the part of
defendant, at or near Occanita, within
the last five years or else where.

Ans. I do not, of my own knowledge, the
reputation of the deft in that neighborhood
was that of a good woman, but I only
know what I have heard others say.

In her trading at the store, she seemed to be
rather forward, and her talk, and impressed
me unfavorably as to her virtue.

And further this defendant saith not.

J. B. Shuffelbarger.

J. M. Oaks another witness of lawful age and being duly sworn deposes as follows.

Q. 1. Your age, residence and occupation.

Ans. 34, Coanito Va. Section Foreman on L. & N. R.R.

Q. 2. Are you acquainted with the parties to this?

Ans. I am, for a year or two.

Q. 3. Do you know of any acts of adultery by the defendant during that time?

Ans. I do not.

Q. 4. Do you know of any improper acts upon her part indicating that she was that kind of woman.

Ans. I only know that she was a kind of forward woman, free to talk, and her reputation was bad for chastity. I at one time and while she lived at Coanito, was told by Will Burgan that there was a letter addressed to me in the end of a drinking pipe along the Rail Road and I went and got it, it was addressed to me or to "John". I read the letter or glanced over it, not very carefully, and handed it to Will Burgan and told him to read it and he did, but

not out, There was no name signed to the letter, but I believed it was from the defendant, and there was something said about leaving the country but I paid so little attention to it, I can not state its contents. Her manner and talk has been such as to indicate that she was a kind woman, and from her actions I have sometimes thought that she wanted me to know that her husband was away from home.

And further this deponent saith not.

J. M. Oak

Hilton Burgan, another witness of lawful age and being duly sworn deposes and says,

- Q. 1. Your age, residence and occupation?
- Ans. 25 years, Coconito Va, Work on Section.
- Q. 2. Are you acquainted with the parties to this suit.
- Ans. I am. Plff 3 or 4 years, Bettie 6 or 8 yrs.
- Q. 3. Do you know of any acts of adultery by deft, If so when & where.
- Ans. I do not know of any, Her reputation was that of a kind woman, and she was

rather forward in her talk and manner,
along about July or August last, she and plain-
tiff had some trouble in regard to another man
coming there, and next morning she told me
to tell John Oaks there would be a letter
for him in the mouth of a drain pipe
along the R. R. and I told him and he got
a letter and showed it to me and he read
it in my hearing. I saw no name to the
letter & I can not say who it was ad-
dressed to, she said something in the letter
about giving up one of the children over
him and if necessary she would give up
the others, that he had caused her to take
abuse from Andrew, and that she would
die for him or something of the kind.

John Oaks one morning asked me to go and
hunt for his pocket book and told me to
look about a ditch or gully not very far
from Andrew Parnell's house. I went
and found the pocket book about where
he said to look. Andrew told me he
had seen a man away from his house
the night before.

And further this deponent saith not.
Milton Burgeon

Lizzie Kinser. a witness of lawful age and being duly sworn deposes & says.

Q. 1. Your age & residence.

A. 33 years, Acornito Va.

Q. 2. Are you acquainted with the parties to this suit.

A. I am not acquainted with Andrew Pamell, and have only seen the defendant twice.

Q. 3. Did you or not read a letter addressed to John Oaks.

A. I did read a letter a month or so ago, but did ^{not} notice who it was addressed to, and no name was signed to the letter, Mrs Oaks, the wife of John Oaks, had the letter and envelope. I do not remember much of the contents but do remember that whoever wrote it said they would rather loose their life than to give him, the one addressed, up, and they, the writer, wanted him to go with them to St Charles, up in the Pocket. Something was said about giving up one child, I do not know what Mrs Oaks done with the letter.

And further this defendant saith not.

Lizzie Kinser.

Andrew Pamell another witness of lawful age and being duly sworn deposes as follows.

(6)
I am the plaintiff in this suit and live in
this County and have for two years.

I and defendant were married in Hardan Co.
Ky, in April 13th 1902, we separated Aug 4th 1906.
after I became satisfied that my wife had
been guilty of adultery in this County near
Ossanita, with John Oaks, we last lived and
cohabited together in this County,

On July 28th I came home after night and
he was in my house and as I came in he
ran out and left his hat, I received word
from John Oaks that he would give me
twenty five dollars for his hat if I would
say nothing about the matter, and I told Mr
J. B. Shuffelbarger the bearer of the message
to tell him he could have his hat and he
came in a night or two and got his hat.
A few nights after this I came home one
night when my wife was not expecting
me to come and John Oaks was there and
he and my wife were standing on the porch
close together and he had his arms around
her waist, and when they saw me he ran
and lost his pocket book, I talked to my wife
about there conduct and became convinced
that she and Oaks were guilty of adultery
and I had nothing more to do with her.

and in about three days she left and went
to her father's in Ky. ^{the day she left for Ky.} After this last night
occurrence, I heard of the letter that should
have been found in the drain pipe.

I asked my wife what she and Oaks were
talking about that last night and she said
he wanted her to leave the country with him.
My wife has two children, one, two and or
half years old, Calvin, and the other 8 mos
old named Ray Snell, I want the custody
of these children as they are my children
and I do not think she is a fit person to
raise them. I have not lived or cohabited
with my said wife, as husband & wife
since the last night I caught her and
Oaks together, which was Aug' 1st 1906.
And further this deponent saith not.

Andrew
Pawell

The foregoing depositions of J. B. Shuffleharger,
J. M. Oaks, Milton Borgan & Andrew Pawell
were taken subscribed and sworn to before
me at the time and place and for the
purposes in the caption mentioned.

Given under my hand Sept 7th 1906.

James W. Orr, Comm'r.
in Chancery Sec Cir Ct.

Fee \$3.00

Andrew Pennell.

vs. { Defect

Bettie Pennell

Filed Sept 17th 1906.

H. C. J. Ewing,

Clk.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 15th
day of August, 1906,

A. J. Powell,

against

Plaintiff

In Chancery

Betty Powell,

Defendant

The object of this suit is to obtain a decree of divorce dissolv-
ing the bonds of matrimony now existing
between the plaintiff and defendant.

And an affidavit having been made and filed that the defendant

Betty Powell is

^anot resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville
Star and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

J. C. Noel,

p. q.

H. C. Ewing,
By M. E. H. H. H., D.C.

Clerk.

A. J. Powell

vs.

{

ORDER OF
PUBLICATION

Betty Powell,

Virginia, Lee County, to-wit:
I, H. C. S. Ewing, clerk of
the Circuit Court for the
County aforesaid, in the
State of Virginia, do cer-
tify that I posted a true
copy of the within order
of publication at the front
door of the Court-house
of this County on this
day.

Given under my hand,
this Aug. 15, 1906.

H. C. S. Ewing, clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee

A. J. Powell

Plaintiff

against

Betty Powell

Defendant

This day J. L. Nail personally appeared
before me M. E. Flannery Deputy Clerk of the said Court,
and being duly sworn, made oath that Betty Powell

defendant in the said suit is not ^a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 14 day of Aug 1906.

M. E. Flannery, D. Clerk

A. J. Powell

vs. {

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Betty Powell

J. C. Nard, p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Betty Powell*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *30th* Monday in *August*, 190*6*, to answer a bill in chancery exhibited against *her*
by A. J. Powell,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *15th*
day of *August*, 190*6*, and 1 *31st* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

A. J. Powell

VS

}

SUBPENA
IN
CHANCERY.

Betty Powell,

J. C. Norl - p. q

To 2nd August Rules.

Lee Circuit Court.

1906

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting

WE COMMAND YOU THAT YOU SUMMON

*John Oaks, J. B. Shuffler, and
and Mrs. Cal Kaiser, and Milt. Burger,*

at the law office of James W. Orr, in Louisa Va
to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the *17th*
day of *September*, 190*6*, to testify and the truth to say in behalf of the

Plaintiff, in a certain matter of controversy in our said court before the
said Judge depending and undetermined between

Andrew Powell,

Plaintiff, and

Betty Powell,

Defendants

And this

They

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *14th* day of

September, 190*6*, and in the *31st* year of the Commonwealth.

H. C. T. Ewing, Clerk.

Andrew Powell,

vs.

}
SUBPOENA
FOR
WITNESS

Betty Powell.

L. W. Orr's office, Court,
the 17 day of Sept.

1906.
Executed at the within
supernatural full
the 15 day of
Sept 1906
M B Short & S

Fee paid by Ref.

Order of Publication.

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 15th
day of August, 1906.

A. J. POWELL, Plaintiff.

against

BETTIE POWELL, Defendant

In Chancery.

The object of this suit is to obtain a decree of divorce dissolving the bonds of matrimony now existing between the plaintiff and defendant. And an affidavit having been made and filed that the defendant Bettie Powell is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Court-house of this county as prescribed by law.

A copy—Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

J. C. NOEL, p. q.

U
--A. J. Powell-----

vs { --In Chancery-----

--Bettie Powell-----

I, J. C. Boatright-----, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 23rd
day of August-----1906-----

J. C. Boatright-----, Editor.

FEE \$ 5.80-----